

SUMMARY OF THE REPORT OF THE INDEPENDENT EXPERT FOR THE UNITED NATIONS STUDY ON VIOLENCE AGAINST CHILDREN, A/61/299

The key message of the report of the UNSG's Study on violence against children, submitted to the General Assembly in October 2006, is that no violence against children is justifiable; all violence against children is preventable. The report begins:

"In every region, in contradiction to human rights obligations and children's developmental needs, violence against children is socially approved, and is frequently legal and State-authorised.

"The Study should mark a turning point – an end to adult justification of violence against children, whether accepted as "tradition" or disguised as "discipline". There can be no compromise in challenging violence against children. Children's uniqueness – their potential and vulnerability, their dependence on adults – makes it imperative that they have more, not less, protection from violence...

"Protection of children from violence is a matter of urgency. Children have suffered adult violence unseen and unheard for centuries. Now that the scale and impact of all forms of violence against children is becoming better known, children must be provided with the effective prevention and protection to which they have an unqualified right..."

"Children are tired of being called the future. They want to enjoy their childhood, free of violence, now!"

Paulo Sérgio Pinheiro, introducing the report of the UN Secretary General's Study on Violence against Children to the General Assembly, October 2006.

THE STUDY BACKGROUND

In 2000 and 2001, the Committee on the Rights of the Child, the internationally-elected monitoring treaty body for the Convention on the Rights of the Child, organised two days of general discussion on violence against children. Following them, the Committee proposed that the General Assembly should initiate an in-depth, comprehensive global study on violence against children.

The General Assembly agreed and in February 2003, Professor Paulo Sérgio Pinheiro was appointed as Independent Expert to lead the Study, on behalf of the Secretary General.

The aim of the study was to report on the scale of violence against children in five settings: home and family, schools, care and justice systems, the workplace and the community and to make recommendations.

Pinheiro presented his report including recommendations to the General Assembly 61st session in October 2006 (A/61/299). The concise 34-page report is complemented by the detailed *World Report on Violence against Children*.

“If they [kids] are beaten at home, they are going to beat, that is, if parents ill treat them or don’t talk to them, kids will beat others because they are beaten. They are going to drag with them what they see at home. This is the basis of violence.”

Adolescent girls, Latin America, 2005

THE STUDY PROCESS

In March 2004, a detailed questionnaire was sent to all governments by the Independent Expert, seeking information on their approaches to violence against children; over 130 responses were received. About 300 individuals and organisations from all parts of the world responded to the Study’s call for submissions.

The Study involved regional, sub-regional and national consultations, expert thematic meetings and field visits by the Independent Expert. Nine major regional consultations were held between March and July 2005, for the Caribbean, South Asia, West and Central Africa, Latin America, North America, East Asia and the Pacific, the Middle East and North Africa, Europe and Central Asia, and Eastern and Southern Africa.

A key feature of the regional consultations was the direct involvement of children, who in each case met in advance with adult facilitators to plan their input and were then involved in working groups and plenary sessions, often presenting their own declarations. In each region, the children met informally and privately with Paulo Pinheiro.

The Independent Expert and the Study Secretariat were supported by three key agencies: the Office of the United Nations High Commissioner for Human Rights, UNICEF and the World Health Organisation (WHO). Professor Pinheiro appointed a multi-disciplinary Editorial Board of experts to advise him and was also supported by an Advisory Panel of non-governmental organisations, including children and young people.

KEY FINDINGS OF THE STUDY

Violence against children takes a variety of forms and is influenced by a wide range of factors, from the personal characteristics of the victim and perpetrator to their cultural and physical environments. There are a number of reasons why violence is widespread and has often not been dealt with:

Much violence remains hidden. Children are often afraid of reporting incidents of violence against them, and parents who should protect their children may remain silent if violence is perpetrated by a spouse or other close relative.

There are many places where stigma may be the reason why violence is not reported, for instance where family ‘honour’ is placed above the safety and wellbeing of children, particularly in cases of rape or other forms of sexual violence.

Violence can also remain hidden because there are no safe or trusted ways for children or adults to report it. In some parts of the world, people do not trust police, social services or others in authority; or in rural areas, often there are no places to go to report incidences of violence.

Violence is accepted in society. Both children and perpetrators may accept physical, sexual and psychological violence as inevitable and normal. Discipline through physical, bullying and sexual harassment are frequently perceived as normal, particularly when no ‘visible’ or lasting physical injury results. The lack of an explicit legal prohibition of corporal punishment reflects this.

Furthermore, even though some acts of violence are unexpected and isolated, the majority of acts experienced by children are perpetrated by people who are part of their lives, such as parents, teachers, schoolmates, employers, boyfriends or girlfriends, spouses and partners.

The following examples show the range of violence against children:

- Almost 53,000 children are estimated to have died worldwide in 2002 as a result of homicide. In some industrialised countries, infants under one year faced three times the risk of homicide, almost invariably at the hands of parents, than children aged 1 to 4, and twice the risk of those aged 5 to 14.
 - Of these child homicide victims, 22,000 (or nearly 42 per cent) were 15 to 17 years old and nearly 75 per cent were boys.
 - As many as 80 to 90 per cent of children suffer physical punishment in their homes, with a third or more experiencing severe physical punishment resulting from the use of implements, according to studies from countries in all regions of the world.
 - In over 100 countries, children still suffer the threat or reality of corporal punishment with canes, belts or other implements in schools.
 - In at least 30 countries, sentences of whipping or caning are still being imposed on children in penal systems
 - Only 2.4 per cent of the world's children are legally protected from corporal punishment in all settings.
 - Each year, between 133 and 275 million children witness frequent violence between their parents.
 - Between 20 and 65 per cent of school-aged children in developing countries reported having been verbally or physically bullied in the previous 30 days.
 - In Central and Eastern Europe, 35 per cent of schoolchildren responding to a survey said they had been bullied within the last two months, with the percentage ranging from 15 to 64 per cent.
 - An estimated 150 million girls and 73 million boys under 18 experience forced sexual intercourse or other forms of sexual violence during 2002.
 - In surveys of 21 countries, at least 7 per cent of females (ranging up to 36 per cent) and 3 per cent of males (ranging up to 29 per cent) report sexual victimisation during their childhood.
 - Of women who reported first sex prior to the age of 15, between 11 and 45 per cent reported it was forced.
 - At least 82 million girls now between 10 and 17 years old will marry before they turn 18, including significant numbers of girls married at much younger ages.
 - Between 100 million and 140 million girls and women in the world have undergone some form of female genital mutilation/cutting (FGM/C)
 - Rates of FGM/C are as high as 71 to 99 per cent in some countries of some regions; some girls are cut before the age of four.
 - In sub-Saharan Africa, Egypt and Sudan, an estimated 3 million girls and women are subjected to genital mutilation/cutting every year.
 - In 2004, 218 million children were involved in child labour, of which 126 million were in hazardous work.
 - Estimates from 2000 suggest that 5.7 million children participated in forced or bonded labour, 1.8 million were exploited in prostitution and pornography, and 1.2 million were victims of trafficking.
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“I used to think that being a girl I don’t have the right to protest when boys and men misbehave with me. But after joining the child club I came to know that I have all the right to feel safe all the time. I can protect and protest whenever someone tries to harass or abuse me. My body is mine and I have the right to protect it.”

Girl, 12, South Asia, 2005

GUIDING PRINCIPLES ADOPTED BY THE INDEPENDENT EXPERT

Professor Pinheiro states in the reports that he has been guided by the following principles, which are reflected in the recommendations:

- No violence against children is justifiable. Children should never receive less protection than adults;
- All violence against children is preventable. States must invest in evidence-based policies and programmes to address factors that give rise to violence against children;
- States have the primary responsibility to uphold children’s rights to protection and access to services, and to support families’ capacity to provide children with care in a safe environment;
- States have the obligation to ensure accountability in every case of violence;
- The vulnerability of children to violence is linked to their age and evolving capacity. Some children, because of gender, race, ethnic origin, disability or social status, are particularly vulnerable;
- Children have the right to express their views, and to have these views taken into account in the implementation of policies and programmes.

(Paulo Sérgio Pinheiro, UNSG’s Study Report, para. 93)

WHAT THE STUDY RECOMMENDS

The UN Secretary General’s Report to the General Assembly includes a set of 12 “overarching” recommendations. There are also more detailed recommendations, applying to the five settings of childhood in which violence occurs – home and family, schools, care and justice systems, the workplace and the community.

These are the overarching recommendations (see full text below):

1. **Strengthen national and local commitment and action**
2. **Prohibit all violence against children**
3. **Prioritise prevention**
4. **Promote non-violent values and awareness-raising**
5. **Enhance the capacity of all who work with and for children**
6. **Provide recovery and social reintegration services**
7. **Ensure participation of children**
8. **Create accessible and child-friendly reporting systems and services**
9. **Ensure accountability and end impunity**
10. **Address the gender dimension of violence against children**
11. **Develop and implement systematic national data collection and research**
12. **Strengthen international commitment**

Other recommendations cover regional and international follow-up, including the proposal that a Special Representative to the UN Secretary General on Violence against Children should be appointed – see below.

The urgency of acting on the Study’s recommendations is underlined throughout Professor Pinheiro’s reports. Three recommendations are singled out and **time-bound goals** set for them:

- **By 2007: integrating into national planning process measures to prevent and respond to violence against children, including the identification of a focal point, preferably at ministerial level;**
 - **By 2009: prohibiting all violence against children by law;**
 - **By 2009: initiating a process to develop reliable national data collection systems.**
- (A/61/299, para 116)

OVERARCHING RECOMMENDATIONS

1. Strengthen national and local commitment and action

States should develop a varied and detailed plan to respond to violence against children which is made part of national planning processes. This strategy, policy or plan of action must set realistic targets and deadlines. It should be coordinated by an agency which is able to involve different parts of Government and society, whilst a range of people and organisations should be involved in putting it into action. National laws, policies, plans and programmes should fully comply with international human rights and current scientific knowledge. The implementation of the national strategy, policy or plan should be systematically evaluated according to established targets and timetables. Enough human and financial resources should be provided to help put the plan into action.

2. Prohibit all violence against children

States must ensure that no person below 18 years of age is given the death penalty or a sentence of life imprisonment without possibility of release. States are recommended to take all necessary measures to immediately suspend the execution of all death penalties imposed on persons for crimes committed before reaching the age of 18. They should take the appropriate legal measures to convert them into penalties that are in keeping with international human rights standards. Abolishing the death penalty for those who committed crimes before reaching the age of 18 should be of the highest priority.

States must prohibit all forms of violence against children, in all settings. This includes: corporal punishment; harmful traditional practices, such as early and forced marriages; female genital mutilation and so-called honour crimes; sexual violence and torture and other cruel, inhuman or degrading treatment or punishment, (which is required by international treaties, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child, further reaffirmed in the General Comment No. 8).

3. Prioritise prevention

States must prioritise preventing violence against children by addressing its underlying causes. It is essential to devote resources towards helping children after violence has occurred, while States should set aside adequate resources to address risk factors and prevent violence before it occurs. Policies and programmes should address immediate risk factors, such as a lack of a parent-child bond, family breakdown, abuse of alcohol or drugs, and access to guns and other weapons. In line with the Millennium Development Goals, attention should be focused on economic and social policies that address poverty, gender and other forms of inequality, income gaps, unemployment, urban overcrowding, and other factors which undermine society.

4. Promote non-violent values and awareness-raising

States and civil society must strive to change attitudes that condone or normalise violence against children. This includes stereotypical gender roles and discrimination, acceptance of corporal punishment, and harmful traditional practices. States should ensure that information about children's rights is publicised and understood, including by children. Public information campaigns should be used to sensitise the public about the harmful effects that violence has on children. States should encourage the media to promote non-violent values and ensure full respect for the rights of the child in all media coverage through guidelines.

5. Enhance the capacity of all who work with and for children

States should invest in systematic education and training programmes for all those who work with and for children and families to prevent, detect and respond to violence against children, by promoting knowledge and respect for children's rights. Codes of conduct and clear standards of practice which ban all forms of violence, should be created and put into action.

6. Provide recovery and social reintegration services

States should provide accessible, child-sensitive and universal health and social services. This should include pre-hospital and emergency care, legal assistance to children and, where appropriate, their families, when violence is discovered. Health, criminal justice and social service systems should be designed to meet the special needs of children.

“You were not here to protect me as a child and I’ll live with that damage for the rest of my life. But I vow, as a young person in this society, to put an end to this violence for the next generation. You can stand by me, or you can turn your back.”

Youth leader, survivor and street involved youth, North America, 2005

7. Ensure participation of children

As stated in Article 12 of the Convention on the Rights of the Child, States must actively listen to children and respect their views in all aspects of prevention, response and monitoring of violence against them. Children’s organisations and child-led initiatives to address violence guided by the best interests of the child should be supported and encouraged.

8. Create accessible and child-friendly reporting systems and services

States should establish safe, well-publicised, confidential and accessible mechanisms for children, their representatives and others to report violence against children. All children, including those in care and justice institutions, should be aware of the existence of mechanisms of complaint. Mechanisms such as telephone helplines, through which children can report abuse, speak to a trained counsellor in confidence and ask for support and advice, should be established. The creation of other ways of reporting violence through new technologies should be considered.

9. Ensure accountability and end impunity

States should build community confidence in the justice system by, among other things, bringing all perpetrators of violence against children to justice. They must ensure that they are held accountable through appropriate criminal, civil, administrative and professional proceedings and punishments. Persons convicted of violent offences and sexual abuse of children should be prevented from working with children.

10. Address the gender dimension of violence against children

States should ensure that anti-violence policies and programmes are designed and implemented from a gender perspective, taking into account the different risks facing girls and boys in respect of violence. States should promote and protect the human rights of women and girls and address all forms of gender discrimination as part of a comprehensive violence-prevention plan.

11. Develop and implement systematic national data collection and research

States should improve data collection and information systems in order to identify vulnerable subgroups, inform policy and programming at all levels, and track progress towards the goal of preventing violence against children. States should use national indicators based on internationally agreed standards, and ensure that data are compiled, analysed and distributed to monitor progress over time. Where not currently in place, birth, death and marriage data registries with full national coverage should be created and maintained. States should also create and maintain data on children without parental care and children in the criminal justice system. Data should be separated according to sex, age, urban/rural, household and family characteristics, education and ethnicity. States should also conduct research on violence against children across settings where violence occurs. This should include interview studies with children and parents, with particular attention to vulnerable groups of girls and boys.

12. Strengthen international commitment

All States must ratify and implement the Convention on the Rights of the Child and its two Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography. All reservations that are incompatible with the object and purpose of the Convention and the Optional Protocols should be withdrawn in accordance with the Vienna Declaration and Plan of Action of the World Conference on Human Rights of 1993. States should ratify all relevant international and regional human rights instruments that provide protection for children including: the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the Rome Statute of the International Criminal Court; the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; ILO Conventions No. 138 on the Minimum Age for Admission to Employment and No. 182 on the Worst Forms of Child Labour; and the United Nations Convention against Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. States should implement all their international legal obligations and strengthen their cooperation with the treaty bodies.

States should fulfil their commitments on the prevention of violence made at the Special Session of the General Assembly on children, and in the context of the WHO Health Assembly resolution 76 on implementing the recommendations of the *World Report on Violence and Health*. A number of regional public health resolutions further reinforce these commitments.

Measures to prevent and respond to violence against children should be made part of national planning processes by 2007. This should include the appointment of a focal point, preferably at ministerial level. Violence against children should be made illegal, and a plan to develop reliable national data-collection systems should be created, by 2009. States should provide information on the implementation of these recommendations in their reports to the Committee on the Rights of the Child. A progress report on the implementation of the recommendations should be submitted to the General Assembly at its sixty-fifth session.

PROPOSAL FOR A SPECIAL REPRESENTATIVE TO THE UN SECRETARY GENERAL

In view of the importance of coordination in addressing violence against children, the Independent Expert recommends that the General Assembly request the Secretary-General to appoint a special representative on violence against children. This person should act as a high-profile global advocate to promote prevention and elimination of all violence against children, encourage international and regional cooperation and ensure follow-up to the present recommendations.

The special representative should distribute and promote the recommendations of the Study in different international, regional and national forums. He or she should periodically report to the Human Rights Council and the General Assembly, and should coordinate the preparation of a report on implementation of the recommendations, to be presented to the General Assembly at its sixty-fifth session.

The special representative will work closely with, but not duplicate the work of, the Committee on the Rights of the Child, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on trafficking in persons, especially women and children. He or she should work with regional human rights protection systems and all other regional and national follow-up plans.

The special representative should have an initial mandate of four years. Building on the successful United Nations partnerships that marked the Study, he or she should be supported by OHCHR, UNICEF and WHO. A United Nations inter-agency group on violence against children with representation from NGOs and children should support follow-up (see full report in documents section).

OTHER RECOMMENDATIONS, INCLUDING ON INTERNATIONAL AND REGIONAL FOLLOW-UP

International organisations should encourage and support Governments in the implementation of these recommendations. International financial institutions are recommended to review their policies and activities to take account of the impact they may have on children. United Nations country teams should include measures to address violence against children within poverty reduction plans, country assessments and development frameworks.

Governments should consider establishing an ombudsperson or commissioner for children's rights in keeping with the Principles relating to the status of national human right institutions (The Paris Principles). Working closely with other agencies dealing with public health and child protection issues, this institution should have a clear mandate to monitor children's rights at regional, national and local levels. Where appropriate, they should have the authority to receive and investigate complaints of violations of children's rights from the public, including children.

In light of the contribution of regional organisations in the development of the Study, these should be involved in implementing and following-up the recommendations. The development of regional mechanisms should be encouraged as an important part of the overall framework for follow-up as well monitoring implementation.

THE STUDY DOCUMENTS: WHERE TO FIND THEM

Report of the independent expert for the United Nations study on violence against children, 61st Session UN General Assembly, 2006, A/61/299; available at <http://www.violencestudy.org/IMG/pdf/English.pdf>

This is the short, 34-page formal report transmitted to the General Assembly by the UN Secretary-General in October 2006, available in the six UN languages: English, French, Spanish, Arabic, Chinese and Russian, (also being translated into Farsi, Portuguese, and other languages over time).

World Report on Violence against Children, Paulo Sérgio Pinheiro, published by the United Nations Secretary-General's Study on Violence against Children, Geneva, 2006; can be downloaded in English in PDF format at www.violencestudy.org (also being translated into French, Spanish, Arabic, Portuguese, and other languages over time).

This is the complementary 364-page report, which includes prefaces from the UN Secretary-General and a foreword from the High Commissioner for Human Rights, directors of UNICEF and WHO and a message from the NGO Advisory Panel. There is an introductory chapter and a commentary on relevant international human rights law and standards. Five major chapters cover violence against children in the home and family, schools, care and justice systems, workplaces and the community.

Follow-up to the UN Secretary-General's Study on Violence against Children: Establishment of a Special Representative of the Secretary-General, NGO Advisory Council for follow up to the UN Study on Violence Against Children.
http://www.crin.org/docs/SRSG_May2007.pdf

Child-friendly materials: A child-friendly version of the report and educational materials are also available: *United Nations Secretary-General's Study on Violence against Children. Adapted for Children and young people.*

Our right to be protected from violence: activities for learning and taking action for children and young people.

These can also be downloaded in English in PDF format at <http://www.violencestudy.org> (also being translated into French, Spanish, Arabic, German, Portuguese, Turkish, and other languages over time).

Safe you and Safe Me, for younger children: <http://www.violencestudy.org/IMG/pdf/safeyoufinal.pdf>

Reports of the nine regional consultations held in connection with the Study are available at: <http://www.violencestudy.org>, as well as an overview of the public submissions received by the Independent Expert: see <http://www.violencestudy.org/r95>. The reports of the expert thematic consultations are also available; see: <http://www.violencestudy.org/r180>

Responses to the detailed questionnaire circulated by the Independent Expert in 2004 were received from 137 Member States; available at <http://www.ohchr.org/english/bodies/crc/study.htm>

The **Child Rights Information Network (CRIN)** acts as a civil society gateway to the Study and its follow-up and many materials connected with the Study and the Regional Consultations are available at <http://www.crin.org/violence/index.asp>